

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3: 11cr152**

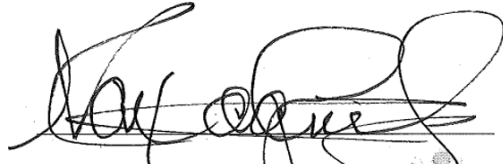
UNITED STATES OF AMERICA,)	
)	
)	
Vs.)	ORDER
)	
CRAIG ALLEN RODGERS,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the court on the United States’ Second Motion for Order Requiring FBI to Deliver Forfeited Funds. While this motion is accompanied by a written statement by the victim and her employer as to income lost, the government only seeks an Order requiring the FBI to pay into the court the remainder of the forfeited funds to cover such expenses. As discussed in the earlier Order, for this court to *lawfully* Order the payment of sums to the victim, there must be an Order for restitution of such amount either prior to or simultaneous with the Order of payment. The government’s motion does not seek amendment of the Order of restitution previously entered and fails to reflect consultation with counsel for defendant. See L.Cr.R. 47.1(B). For these reasons, the motion will again be denied without prejudice.

ORDER

IT IS, THEREFORE, ORDERED that the United States’ Second Motion for Order Requiring FBI to Deliver Forfeited Funds (#27) is **DENIED** without prejudice.

Signed: October 29, 2012



Max O. Cogburn Jr.
United States District Judge